

**BOARD OF NURSING
MEETING MINUTES
JANUARY 12, 2017**

PRESENT: Paul Abegglen, Jodi Johnson, Maria Joseph (*arrived at 8:14 a.m.,*) Peter Kallio, Sheryl Krause, Lillian Nolan, Luann Skarlupka, Cheryl Streeter

STAFF: Dan Williams, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Sheryl Krause, Vice Chair, called the meeting to order at 8:07 a.m. A quorum of seven (7) members was confirmed.

ADOPTION OF THE AGENDA

Amendments to the Agenda

- *Added Guidelines Document*

MOTION: Paul Abegglen moved, seconded by Jodi Johnson, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 8, 2016

Amendments to the Minutes

- *Correct formatting/missing letters and numbers throughout the minutes*

MOTION: Peter Kallio moved, seconded by Luann Skarlupka, to approve the minutes of December 8, 2016 as amended. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

George Williams College of Aurora University, Williams Bay, Wisconsin

Request to Admit Nursing Students to the Pre-Licensure BSN Program – Revised December 20, 2016

MOTION: Peter Kallio moved, seconded by Cheryl Streeter, to approve the request of George Williams College of Aurora University for authorization to admit students to a nursing school, with the requirement of ongoing notification when faculty are hired. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Cheryl Streeter, to acknowledge and thank Brenda Shostrom, Carmella Moran and April Folgert from George Williams College of Aurora University for their appearance before the Board. Motion carried unanimously.

Globe University East, Madison, Wisconsin

MOTION: Lillian Nolan moved, seconded by Peter Kallio, to withdraw Board approval to admit students to a nursing school of Globe University East, Madison, Wisconsin. Motion carried unanimously.

ADMINISTRATIVE MATTERS

ELECTION OF OFFICERS

Board Chair

NOMINATION: Luann Skarlupka nominated Sheryl Krause for the Office of Board Chair.

Dan Williams called for nominations three (3) times.

Sheryl Krause was elected as Chair by unanimous consent.

Vice Chair

NOMINATION: Sheryl Krause nominated Peter Kallio for the Office of Vice Chair.

Dan Williams called for nominations three (3) times.

Peter Kallio was elected as Vice Chair by unanimous consent.

Secretary

NOMINATION: Cheryl Streeter nominated Lillian Nolan for the Office of Secretary.

Dan Williams called for nominations three (3) times.

Lillian Nolan was elected as Secretary by unanimous consent.

2017 ELECTION RESULTS	
Board Chair	Sheryl Krause
Vice Chair	Peter Kallio
Secretary	Lillian Nolan

LIAISON APPOINTMENTS

2017 LIAISON APPOINTMENTS	
Credentialing	Paul Abegglen, <i>Alternate: Peter Kallio</i>
Professional Assistance Procedure (PAP)	Cheryl Streeter <i>Alternate: Paul Abegglen</i>
Monitoring	Jodi Johnson <i>Alternate: Paul Abegglen</i>
Newsletter	Lillian Nolan
Board Practice	Paul Abegglen <i>Alternate: Sheryl Krause</i>
Board Education	Sheryl Krause <i>Alternate: Peter Kallio</i>
2017 APPOINTMENTS	
Controlled Substances Board as per Wis. Stats. §15.405(5g)	Peter Kallio
Wisconsin Coalition for Prescription Drug Abuse Reduction	Peter Kallio
2017 SCREENING PANEL APPOINTMENTS	
February 2017 – June 2017	Cheryl Streeter, Paul Abegglen, Luann Skarlupka
July 2017 – January 2018	Lillian Nolan, Jodi Johnson, Peter Kallio
2017 COMMITTEE MEMBER APPOINTMENTS	
Rules and Legislation Committee	Peter Kallio Sheryl Krause Luann Skarlupka
DEPARTMENT APPOINTMENT AS PER WIS. STATS. §441.50(8)(a)	
Administrator of the Nurse Licensure Compact	Dan Williams

MOTION: Paul Abegglen moved, seconded by Maria Joseph, to affirm the Chair's appointment of liaisons for 2017. Motion carried unanimously.

DELEGATION MOTIONS

Delegated Authority for Urgent Matters

MOTION: Peter Kallio moved, seconded by Paul Abegglen, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority to the Chair to appoint liaisons to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Peter Kallio moved, seconded by Paul Abegglen, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Peter Kallio moved, seconded by Paul Abegglen, the Board delegates authority to the Chair to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair has the ability to delegate this signature authority to the Board's Executive Director for purposes of facilitating the completion of assignments during or between meetings. Motion carried unanimously.

Screening Panel

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to delegate to the attorney assigned to each screening panel the discretion to close cases that clearly do not allege a provable violation of law and therefore do not merit review by the full screening panel. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to delegate credentialing decisions to DSPS Staff involving an applicant who was granted an unrestricted nursing license by the Wisconsin Board of Nursing, is seeking a new credential, and has had no new issues since the previous license was granted. Motion carried unanimously.

- MOTION:** Peter Kallio moved, seconded by Paul Abegglen, to delegate decision making authority to DSPS staff for licensure purposes relating to:
- 1) Up to two (2) OWIs prior to entering into Nursing School
 - 2) A Single (1) OWI conviction during or after Nursing School
 - 3) Under Age Drinking
 - 4) Ordinance or municipal violations prior to entering Nursing School
 - 5) Retail theft prior to entering Nursing School
 - 6) The granting of a limited license for a Nurse Refresher Course (as long as all other requirements are met) unless there are convictions, prior Board discipline, or impairment issues. Staff can then move forward with the granting of full licensure after verification of successful completion has been received
- Motion carried unanimously.

Monitoring Delegations

- MOTION:** Peter Kallio moved, seconded by Paul Abegglen, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.
- MOTION:** Peter Kallio moved, seconded by Paul Abegglen, to delegate to the Monitoring Liaison the authority to provide written authorization pursuant to Wis. Admin. Code § N 9.03(1). Motion carried unanimously.

Education Delegations

- MOTION:** Peter Kallio moved, seconded by Paul Abegglen, to delegate authority to the Board Education Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

Rules Committee

- MOTION:** Peter Kallio moved, seconded by Paul Abegglen, to grant the Nursing Legislation and Rules Committee the ability to discuss legislative matters and to review and propose rule making language to the full Board. Motion carried unanimously.

**CONTROLLED SUBSTANCES COMMITTEE REPORT – DISCUSSION AND
CONSIDERATION**

Guidelines: Best Practices for Prescribing Controlled Substances

MOTION: Cheryl Streeter moved, seconded by Paul Abegglen, to adopt the Best Practices for Prescribing Controlled Substances Guidelines document as amended at the meeting and authorize Peter Kallio to approve the final document. Motion carried unanimously.

MOTION: Jodi Johnson moved, seconded by Luann Skarlupka, to request the distribution of the Best Practices for Prescribing Controlled Substances Guidelines document using USPS mail to all active advanced practice nurse prescribers. Motion carried unanimously.

MOTION: Luann Skarlupka moved, seconded by Peter Kallio, to request DSPS Staff distribute the Guidelines to the Governor, Senate President, Assembly Speaker, and Co-Chairs of the Governor’s Task force on Opioid Abuse. Motion carried unanimously.

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to acknowledge and thank Gina Dennik-Champion, Brian Lenz, Brooke Anderson, Jeff Miller and Jan Kunz for their assistance in crafting the Controlled Substances Guidelines document. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATIONS REQUESTS

2017 NCSBN Midyear Meeting, March 12-15, 2017 in Salt Lake City, Utah

MOTION: Peter Kallio moved, seconded by Cheryl Streeter, to delegate Paul Abegglen and Dan Williams and Luann Skarlupka as alternate to attend the 2017 NCSBN Midyear Meeting on March 12-15, 2017 in Salt Lake City, Utah and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s.19.85(1)(g), Stats.). Sheryl Krause, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Paul Abegglen-yes; Jodi Johnson-yes; Maria Joseph-yes; Peter Kallio-yes; Sheryl Krause-yes; Lillian Nolan-yes; Luann Skarlupka-yes; and Cheryl Streeter-yes. Motion carried unanimously.

At this time, all external communication contacts will be terminated for purposes of going into Closed Session.

The Board convened into Closed Session at 10:19 a.m.

RECONVENE TO OPEN SESSION

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 12:22 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Paul Abegglen moved, seconded by Cheryl Streeter, to affirm all motions made in closed session. Motion carried unanimously.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Attorney Amanda Florek

Proposed Stipulations, Final Decisions and Orders

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 15 NUR 468 (A.D.E.)
2. 15 NUR 598 (R.M.D.)
3. 15 NUR 634 (D.L.D.)
4. 16 NUR 084 (L.J.M.)
5. 16 NUR 195 (A.O.G.)
6. 16 NUR 354 (S.T.H.)
7. 16 NUR 406 (C.L.T.)

Motion carried unanimously.

DLSC Attorney Kim Kluck

Administrative Warnings

MOTION: Cheryl Streeter moved, seconded by Paul Abegglen, to issue an Administrative Warning in the following matters:

1. 16 NUR 381 (M.L.D.)
2. 16 NUR 490 (D.C.L.)

Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

MOTION: Peter Kallio moved, seconded by Paul Abegglen, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against:

1. 15 NUR 517 (M.J.H.)
2. 16 NUR 078 (D.J.B.)
3. 16 NUR 131 (S.A.K.)
4. 16 NUR 626 (S.L.U.)

Motion carried unanimously.

16 NUR 317 – J.A.D.

MOTION: Cheryl Streeter moved, seconded by Luann Skarlupka, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against J.A.D., DLSC Case No. 16 NUR 317. Motion carried unanimously.

15 NUR 096 – D.P.G.

MOTION: Paul Abegglen moved, seconded by Cheryl Streeter, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against D.P.G., DLSC Case No. 15 NUR 096. Motion carried unanimously.

(Sheryl Krause recused herself and left the room for deliberation and voting in the matter of DLSC Case No. 15 NUR 096)

Case Closures

MOTION: Paul Abegglen moved, seconded by Peter Kallio, to close the DLSC cases for the reasons outlined below:

1. 16 NUR 016 – Insufficient Evidence
2. 16 NUR 046 – Lack of Jurisdiction (L1)
3. 16 NUR 186 – Prosecutorial Discretion (P5-Flag)
4. 16 NUR 189 – Prosecutorial Discretion (P7)
5. 16 NUR 316 – Insufficient Evidence
6. 16 NUR 393 – No Violation
7. 16 NUR 435 – Insufficient Evidence
8. 16 NUR 447 – Prosecutorial Discretion (P7)
9. 16 NUR 452 – Insufficient Evidence
10. 16 NUR 467 – Prosecutorial Discretion (P7)
11. 16 NUR 497 – Insufficient Evidence
12. 16 NUR 529 – Prosecutorial Discretion (P7)

Motion carried unanimously.

Monitoring

APPEARANCE: Tammy Mewes, R.N. – Requesting Access to Controlled Substances and Termination of Direct Supervision

MOTION: Peter Kallio moved, seconded by Cheryl Streeter, to deny the request of Tammy Mewes for access to controlled substances and termination of direct supervision. **Reason for Denial:** Failure to demonstrate continuous and successful compliance. Respondent needs to fully comply with the complete terms and conditions of the original Board Order (07/28/2014). Motion carried unanimously.

Andrea Kempinski, R.N. – Requesting Full Licensure

MOTION: Luann Skarlupka moved, seconded by Jodi Johnson, to deny the request of Andrea Kempinski for full unrestricted licensure. **Reason for Denial:** Failure to demonstrate continuous and successful compliance. Furthermore the Board removes the stay for the positive test (12/07/2016) without a prescription on file. Respondent may petition the Board for reinstatement of the stay after three months of full compliance with the Board Order dated 09/01/2011. Motion carried unanimously.

Brian Reynolds, R.N. – Requesting Termination of Direct Supervision and Ability to Work in Pool or Agency Settings

MOTION: Peter Kallio moved, seconded by Jodi Johnson, to grant the request of Brian Reynolds for termination of direct supervision and deny the request for reduction in drug screenings and ability to work in pool or agency settings.

Reason for Denial: Respondent needs to practice nursing under the conditions of the modified Board Order before the Board will consider amending other requirements. Motion carried unanimously.

Colette Trotta, R.N. – Requesting Written Confirmation of Full Reinstatement

MOTION: Paul Abegglen moved, seconded by Cheryl Streeter, to issue an Order acknowledging that Colette Trotta submitted proof she successfully completed a Board-approved nurse refresher course in December 2009. Pursuant to the Order dated May 18, 2009, Colette Trotta's Registered Nurse license #136257-30 was reinstated to full, unrestricted status as of April 16, 2010. Motion carried unanimously.

ADJOURNMENT

MOTION: Cheryl Streeter moved, seconded by Jodi Johnson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:45 p.m.